

AN ORDINANCE

BY COUNCILMEMBER CARLA SMITH

07-C-1909



AMENDING SECTION 16-20K.006 OF THE CITY OF ATLANTA'S CODE OF ORDINANCES BY ADDING A NEW SUB-PARAGRAPH (8) WHICH WOULD PUT IN PLACE BIKE LANE REGULATIONS FOR THE GRANT PARK HISTORIC DISTRICT; AND FOR OTHER PURPOSES.

WHEREAS, the Grant Park Historic District is interested in maintaining safe and friendly environment for pedestrians as well as motorist; and

WHEREAS, the community is concerned that the lack of bike lanes poses a public safety hazard by ; and

WHEREAS, this text amendment would accomplish what the community and the councilmember of the district would like to happen.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That Section.16-20K.006 shall be amended by inserting a new subparagraph (8) entitled Bike Lanes:

Sec. 16-20K.006. General regulations.

The following general regulations shall apply to all properties located within the Grant Park Historic District.

(1) General Criteria.

(A) Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.

(B) Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.

(C) In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.

(2) Certificates of Appropriateness.

(A) Type I Certificates of Appropriateness for ordinary repairs and maintenance shall not be required in this district. Painting or repainting of any structure, or portion thereof, does not require a Certificate of Appropriateness.

(B) Type II Certificates of Appropriateness shall be required for: Minor alterations to those facades of any contributing principal structure that face public streets; fences; walls; accessory structures; decks; and paving. If the proposed alteration meets the requirements of section 16-20K.007, then the director of the commission shall issue the Type II Certificate. If the proposed alteration does not meet the requirements of section 16-20K.007, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.

(C) Type III Certificates of Appropriateness shall be required for:

1. All new principal structures;
2. All major alterations and additions to existing structure, with respect to any facade that faces a public street.

(D) Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.

(3) Variances. Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.

(4) Financial Hardship Exemptions.

A. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of economic development, neighborhood revitalization, and prevention of displacement of residents, the commission may allow reasonable exemptions from these regulations to a property owner's principle residence on the ground of economic hardship to the property owner.

B. The burden of proving economic hardship by a preponderance of the evidence shall be on the applicant.

C. The commission shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:

1. The present income of the property owner(s) and those occupying the property;
2. The age of the property owner;

3. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought;
 4. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants, and tax abatements;
 5. The costs associated with adherence to these regulations;
 6. The degree of existing architectural significance and integrity of the structure; and
 7. The purpose and intent of this chapter.
- D. The commission shall consider these factors and shall grant an exemption, in whole or in part, as appropriate upon a finding that the applicant's economic hardship outweighs the need for strict adherence to these regulations.
- (5) Subdivisions. In addition to the requirements of the subdivision and zoning ordinances, including but not limited to sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions of lots shall conform to the historic platting pattern in the district with regard to lot size, dimensions, and configurations.
- (6) Tree Preservation and Replacement. The provisions of City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.
- (7) Paved surfaces: The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained.
- (8) *Bike Lanes:***
- (A) Bike lanes are to be placed on the traffic side of any existing on-street parking in the Historic District.**
- (B) Bike lanes are not to be installed at the expense of on-street parking in the Historic District.**

Section 2: That all ordinances and parts of ordinances in conflict herewith be and are hereby waived in this instance only.